

Application No.: 09/886,942

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### REMARKS

This Supplemental Amendment supplements the Amendment filed by Applicants on January 31, 2006. In the Office Action dated August 24, 2005, claims 1, 4, 7, 10-11, 21-23, 26-28, 31, 33, 35-36, 44, 46-48, 62-66, 74-79, 93-94, 106-107, 113-116, 118-119, 121-122, and 124-126 were allowed and claims 3, 8, 14-18, 120, and 123 were rejected. In the Amendment filed by Applicants on January 31, 2006, claims 3, 8, 14-18, 120, and 123 were canceled without prejudice to subsequent renewal, including in a continuation or divisional application. With the entry of this Supplemental Amendment, claims 1, 4, 7, 10-11, 21-23, 26-28, 31, 33, 35-36, 44, 46-48, 62-66, 74-79, 93-94, 106-107, 113-116, and 118-119, 121-122, and 124-127 are pending in the instant application.

In this Supplemental Amendment, the title has been amended to recite "Chimeric Promoters" and the specification has been amended to correct an inadvertent typographical error.

In addition, new claim 127 has been added. Claim 127 specifies more particularly the nucleic acid of claim 125, wherein the polynucleotide sequence has at least 99.5% sequence identity to a nucleotide sequence which comprises the sequence of SEQ ID NO:8 with a deletion of the nucleotide residues at nucleotide residue positions 319-511 of SEQ ID NO:8, or the complementary polynucleotide sequence thereof. This claim is fully supported by the specification as filed and introduces no new matter.

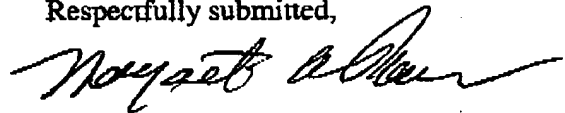
Furthermore, claims 10, 21-23, 26-28, 31, 33, 35-36, 65, 106, 118-119, and 124-126 have been amended herein. Specifically, claims 10, 21-23, 26-28, 35-36, and 124-125 have been amended to recite the nucleotide residue positions of SEQ ID NO:8 that correspond to the nucleotide residue positions of the consensus sequence (SEQ ID NO:21) so as to alleviate the need for reference to the consensus sequence. Claim 126 has been amended to recite "or the complementary polynucleotide sequence thereof." Claims 65, 118, and 119 have been amended to recite an "isolated or cultured cell." Claim 106 has been amended to substitute the word "of" for the phrase "corresponding to." Claim 33 has been amended to eliminate the phrase "at nucleic acid residue positions corresponding to positions." Claim 31 has been similarly amended. These amendments are fully supported by the specification as filed, introduce no new matter and are not to be construed as abandonment of previously claimed subject matter or agreement or acquiescence with any objection or rejection of record.

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Applicants believe no fees are necessary for consideration of this paper, as this paper supplements the Amendment filed on January 31, 2006, which included a Petition for Extension of Time to extend the time to respond for three months, from November 24, 2005 to February 24, 2006. However, if it is determined that any additional fees are associated with this paper or during the pendency of this application, please charge Deposit Account No. 50-0990. Furthermore, please credit any overpayment to Deposit Account No. 50-0990.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested. If a telephone conference would expedite prosecution of this application in any way, the Examiner is invited to telephone the undersigned at (650) 298-5809.

Respectfully submitted,



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February 8, 2006  
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